

WILDE & ASSOCIATES  
Gregory L. Wilde, Esq.  
Nevada Bar No. 004417  
208 South Jones Boulevard  
Las Vegas, Nevada 89107  
Telephone: 702 258-8200  
[bk@wildelaw.com](mailto:bk@wildelaw.com)  
Fax: 702 258-8787

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Attorneys for America's Servicing Company

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

BK-S-09-30700 MKN

Diana D. Gonzalez,

Date: \_\_N/A\_\_

Time: \_\_N/A\_\_

Debtors.

Chapter 13

**EX-PARTE APPLICATION FOR AN ORDER CONFIRMING**

**THAT THERE IS NO AUTOMATIC STAY**

COMES NOW, America's Servicing Company, hereinafter "Secured Creditor" and files this Ex-Parte Application for an Order Confirming that there is no Automatic Stay stating as follows:

Secured Creditor holds a security interest in property owned by the Debtor located at 7330 Linaria Road, Las Vegas, Nevada 89113.

Debtor current bankruptcy is his fourth (4<sup>th</sup>) filing since March 12, 2009, with the three (3) previous cases having been dismissed.

The history of the filings is as follows:

1. Chapter: 13. Case Number: 09-13404. Date Filed: 3/12/2009. Dismissal: 5/6/2009.
2. Chapter: 13. Case Number: 09-18448. Date Filed: 5/22/2009. Dismissal: 7/20/2009.
3. Chapter: 13. Case Number: 09-24944. Date Filed: 8/14/2009. Dismissal: 10/19/2009.

1 4. Chapter 13. Case Number: 09-30700 MKN, filed before this Court on 10/30/2009.

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3 11 U.S.C. 362(c) of the Bankruptcy Code is clear that there is no automatic stay in effect and the  
4 section allows his creditor to seek an order, without notice and hearing, to that effect.

5 (c) Except as provided in subsections (d), (e), (f), and (h) of this section—

6 ...  
7 (4)(A)(i) if a single or joint case is filed by or against a debtor who is an individual under this  
8 title, and if 2 or more single or joint cases of the debtor were pending within the previous year  
but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a)  
shall not go into effect upon the filing of the later case; and

9 (ii) on request of a party in interest, the court shall promptly enter an order confirming that no  
10 stay is in effect;

11 This particular Debtor has filed four individual cases with three of them being dismissed within  
12 the last ten calendar months. As a result, the above section clearly applies and this Court should grant  
13 Secured Creditor an order confirming that there is no stay in effect.

14  
15 WHEREFORE, Secured Creditor asks that this Court issue and order confirming that no stay is  
16 in effect.

17 DATED this 5th day of January, 2010.

18 WILDE & ASSOCIATES

19 By /s/Gregory L. Wilde

20 **GREGORY L. WILDE, ESQ.**

21 Attorneys for Secured Creditor  
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